



The Karnataka Highways Act, 1964

Act 44 of 1964

Keyword(s):

Control Line, Encroachment, To Erect, Excavation, Highway, Highway Authority, Means of Access, Middle of Highway, Occupier, Railway Administration, Vehicle, Land

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GOVERNMENT OF KARNATAKA

Karnataka Act 44 of 1964

THE KARNATAKA HIGHWAYS ACT, 1964

AND



THE KARNATAKA HIGHWAYS RULES, 1965

DEPARTMENT OF PARLIAMENTARY AFFAIRS AND LEGISLATION

2000

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THE KARNATAKA HIGHWAYS ACT, 1964.

ARRANGEMENT OF SECTIONS.

Sections :

Page No.

CHAPTER I.

PRELIMINARY.

1. Short title, extent, application and commencement.	1
2. Definitions.	2

CHAPTER II.

DECLARATION OF HIGHWAYS, HIGHWAY AUTHORITIES AND THEIR POWERS AND FUNCTIONS.

3. Declaration of roads, ways, or lands as highways.	4
4. Appointment of Highway Authorities.	5
5. Powers and duties of Highway Authorities.	5
6. Officers and servants of Highway Authority.	5

CHAPTER III.

RESTRICTION OF RIBBON DEVELOPMENT.

7. Power to fix boundary of building and control lines of Highways.	5
8. Map to be prepared and maintained.	7
9. Restrictions on buildings between highway boundary and building line and between building and control lines.	7
10. Appeal.	10
11. Exemptions for works in progress, etc.	10
12. Setting back of buildings to building line or control line.	11
13. Regulation or diversion of right of access to Highway.	11

14. Powers of Highway Authority and officers and servants appointed under section 6 in respect of surveys.	11
15. Acquisition of land or right or interest in land	12
16. Land required to be marked and measured.	12
17. Public notice and other notices of such requirements for acquisition.	13
18. Persons required to make statements regarding other persons having interest.	13
19. Taking possession of land.	14

CHAPTER III-A.

POWER TO ENTER INTO AGREEMENT AND PENALTY FOR MISCHIEF.

19A. Power of the State Government to enter into agreement for development and maintenance of Highways.	14
19B. Punishment for mischief by injury to highway.	15

CHAPTER IV.

PREVENTION OF UNAUTHORISED OCCUPATION OF AND ENCROACHMENT ON A HIGHWAY AND REMOVAL OF ENCROACHMENT.

20. Lands forming part of Highway deemed to be Government property.	15
21. Prevention of unauthorised occupation of highway.	15
22. Power to cancel permit.	16
23. Prevention of encroachment.	17
24. Appeal against notice served under sub-section (1) of section 23.	18
25. Recovery of cost of removal of encroachment.	18

COMPENSATION.

26. Doing minimum damage in certain cases and compensation	19
27. Determination of amount of compensation by agreement.	20
28. Determination of amount of compensation in default of agreement.	20
29. No compensation if similar restrictions in force under any other law or if compensation already received.	20
30. Compensation for refusal of permission to build not to exceed difference between its value when it was refused and when it would have been granted.	21
31. Compensation for diversion of access not to exceed cost of alternative access.	21
32. Compensation for cutting of standing crops, trees, etc.	21
33. No compensation for unauthorised erections.	22
34. No compensation for removal of encroachments.	22
35. Reference against the award of Highway Authority or authorised officer under section 28.	22
36. Procedure and powers of the authorities empowered to decide references under sections 35 and 44.	22
37. District Superintendent of Police to enforce surrender or remove any encroachment.	23
38. Decisions of authorities under sections 35 and 44 to be enforced as decrees of Civil Court.	23
39. Payment of compensation awarded.	23
40. Payment by adjustment.	23

CHAPTER VI.

LEVY OF BETTERMENT CHARGES

4. Notice to owners and persons interested	24
42. Inquiry and order.	24
43. Increase in value and betterment charges.	24
44. Reference against order of authorised officer under section 42.	25
45. Finality of order fixing betterment charges and of decision on reference.	25
46. Betterment charges to be first charge on land next to land revenue.	25
47. Payment of betterment charges.	26
48. Relinquishment of or exchange of land in lieu of payment of betterment charges.	26

CHAPTER VI-A.

48A. Levy of toll.	26
--------------------	----

CHAPTER VII.

SUPPLEMENTAL PROVISIONS TO SECURE SAFETY OF TRAFFIC AND PREVENTION OF DAMAGE TO HIGHWAYS.

49. Prevention of obstruction of view of persons using any highway.	27
50. Highway Authority to regulate traffic when highway declared unsafe.	27
51. Prohibition of use of heavy vehicles on certain highways.	28
52. Procedure to be followed when Highway Authority desires permanently to close any highway.	28
53. Consent of Highway Authority required to do certain acts on highway.	29
54. Prevention and rectification of damaged highway.	29

CHAPTER VIII.

PENALTIES.

55.	Disobedience of orders, instructions and refusal to give information, etc.	30
56.	Contravention of restrictions relating to access or erecting any building, etc.	30
57.	Unauthorised occupation of highway.	30
58.	Causing damage to highways.	31
58A.	Entry to bridges etc., without paying toll.	31
59.	General provision for punishment of offences	31
60.	Power to compound offences.	31

CHAPTER IX.

MISCELLANEOUS.

61	Revision	32
62.	Powers and duties of police	32
63.	Duties of village officials.	32
64.	Powers to utilise highway for other than road purposes.	32
65.	Summary eviction.	32
66.	Inquiries.	33
67.	Registration of map made under section 8 not required.	33
68.	Certain persons to be public servants.	34
69.	Bar of jurisdiction.	34
70.	Protection of persons acting in good faith and limitation of suit or prosecution.	34
71	Service of notices and bills.	34
72.	Power to make rules	35
73.	Savings	36

74. Provisions of this Act or rules to prevail over inconsistent provisions in other laws.	37
75. Building and control lines along National Highways.	38
76. Repeal.	38
SCHEDULE	38

Statement of Objects and Reasons.

Act 44 of 1964.—At present the Mysore Highways Act (IV of 1920) provides for the regulation of traffic and preservation of the surface of public roads and places in the Mysore Area. But this Act has yet been brought into force.

The Bombay Highways Act, 1955 provides for the restriction of ribbon development along the Highways, for the preservation of encroachment thereon, for the construction and development etc., of Highways, and for the levy of betterment charges. This Act is in force in the Bombay Area. There are no enactments of the kind in the other parts of the State.

With a view to have an uniform Act applicable in the whole of the State of Mysore providing for the restriction of ribbon development along the Highways, for the prevention of encroachment thereon, for the construction and development of the Highways, for the levy of betterment charges and for certain other matters this Bill has been prepared.—Karnataka Gazette (Extraordinary), dated 16th December, 1963, PART IV—2-A, No. 165, p. 45.

II

Amending Act 15 of 1983.—The Chief Minister had indicated in his speech while presenting the Budget Estimates for 1983–84 that substantial funds have been invested by the State Government on construction of bridges across major rivers on State Highways. There is an increasing demand for construction of additional bridges for facilitating communications with inaccessible areas and this would require additional outlays. In respect of bridges on National Highways the Government of India has been collecting toll charges on vehicles. On similar lines, it is proposed to introduce legislation to provide for the levy of fees in respect of motor vehicles and two wheelers using bridges on State Highways.

Hence this Bill.—Karnataka Gazette (Extraordinary), dated 30th March, 1983, PART IV—2-A, No. 208, p. 3.

III

Amending Act 35 of 1998.—It is considered necessary to amend the Karnataka Highways Act, 1964, to enable the State Government to enter into agreement with any person for development and maintenance of State Highways and to empower such person to collect and retain fees at specified rate for service or benefits rendered by him and to regulate and control the traffic in accordance with the provisions of the Motor Vehicles Act, 1988 and also to provide for penalty for committing mischief to the extent of five years imprisonment with a fine or with both.

Hence the Bill.—Obtained from LA Bill No. 8 of 1997 File No. DPAL 42 LGN 96.

¹[KARNATAKA]¹ ACT No. 44 OF 1964.

*(First published in the ¹[Karnataka]¹ Gazette on the
Third day of December, 1964.)*

THE ¹[KARNATAKA]¹ HIGHWAYS ACT, 1964.

*(Received the assent of the President on the
Fifth day of November, 1964.)*

(As amended by Karnataka Acts 15 of 1983 and 35 of 1998.

An Act to provide for the restriction of ribbon development along highways, for the prevention and removal of encroachment thereon, for the construction, maintenance and development of highways, for the levy of betterment charges and for certain other matters.

WHEREAS, it is expedient to provide for the restriction of ribbon development along the highways, for the prevention and removal of encroachment thereon, for the construction, maintenance and development of highways, for the levy of betterment charges and for certain other matters;

BE it enacted by the ¹[Karnataka State]¹ Legislature in the Fifteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY.

1. Short title, extent, application and commencement.—(1) This Act may be called the ¹[Karnataka]¹ Highways Act, 1964.

(2) It shall extend to the whole of the ¹[State of Karnataka]¹.

(3) It applies to the highways of the State except the National Highways declared as such by the Central Government under the National Highways Act, 1956.

(4) This section shall come into force at once. The State Government may, by notification in the official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in such area and on such ²[date]² as may be specified in the notification:

Adapted by the Karnataka Adaptations of Laws Order, 1973 (1.11.1973).

The remaining provisions of this Act came into force w.e.f. 16th day of August 1969 by notification. Please see the text of notification on page 40.

Provided that the State Government may, by notification issued in like manner, exclude any road or way or class of roads or ways situate in such area from the operation of all or any of the provisions of this Act.

2. Definitions.—In this Act unless the context otherwise requires,

(a) “animal” means any domestic or captive animal;

(b) “building” includes any erection of whatsoever material and in whatsoever manner constructed (including a farm building for agricultural purposes) and also includes plinths, door-steps, walls (including compound walls and fences) advertisement boards and the like;

(c) “building line” means a line on either side of any highway or part of a highway fixed in respect of such highway or part by a notification under sub-section (1) of section 7;

(d) “Cantonment” means a Cantonment established under the Cantonments Act, 1924 (Central Act 2 of 1924);

(e) “control line” means a line on either side of a highway or part of a highway beyond the building line fixed in respect of such highway or part by notification under sub-section (1) of section 7;

(f) “encroachment” means any unauthorised occupation of any highway or part thereof and includes an unauthorised—

(i) erection of a building or any other structure, balconies, porches, projections on or over or overhanging the highway;

(ii) occupation of a highway beyond the prescribed period, if any, for stacking building materials or goods of any other description, for exhibiting articles for sale, for erecting poles, awnings, tents, pendals, hoardings and other similar erections or for parking vehicles or stabling animals or for any other purpose;

(iii) excavations or dumps of any sort made or extended on any highway or underneath such highway.

(g) “to erect” with its grammatical variations in relation to a building means to construct, reconstruct, extend or alter structurally a building;

(h) "excavation" relating to any piece of land does not include any workings which do not pierce the surface of that piece of land, but includes wells and tanks;

(i) "highway" means any road or way over which the public have a right of way or are granted access and which is declared to be a highway under section 3.

The expression includes,—

- (i) any land acquired or demarcated with a view to construct a highway along it;
- (ii) the slopes, berms, burrow-pits, foot-paths, pavements and side, catch and boundary drains attached to such a road or way;
- (iii) all bridges, culverts, causeways, carriageways and other structures built on or across such road or way; and
- (iv) the trees, fences, posts, boundary, half kilometre and kilometre stones and other highway accessories and materials and materials stacked on the road or way;

(j) "Highway Authority" means the authority appointed as such or to which the functions of such authority are entrusted under section 4;

(k) "highway boundaries" means the boundaries of a highway fixed in respect of such highway by a notification under sub-section (1) of section 7;

(l) "means of access" includes any means of access whether private or public, for vehicles or for foot passengers and includes any street;

(m) "middle of highway" means a point half-way between the highway boundaries;

(n) "occupier" includes,

- (i) any person who for the time being, is paying or is liable to pay to the owner rent or any portion of the rent of the premises in respect of which such rent is paid or is payable;
- (ii) an owner living in or otherwise using the premises;
- (iii) rent-free tenant;
- (iv) licensee in occupation of any premises; and

- (v) any person who is liable to pay to the owner damages for the use and occupation of any premises;
- (o) "owner" means,
 - (a) When used with reference to any premises, the person who receives the rent of the said premises or who would be entitled to receive the rent thereof if the premises were let and includes,—
 - (i) an agent or trustee who receives such rent on account of the owner;
 - (ii) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious or charitable purposes;
 - (iii) a receiver or manager appointed by any court of competent jurisdiction; and
 - (iv) a mortgagee-in-possession
 - (b) when used with reference to an institution or a body corporate, the manager of such institution or body corporate;
- (p) "prescribed" means prescribed by rules made under this Act;
- (q) "railway administration" has the same meaning as in the Indian Railways Act, 1890;
- (r) "vehicle" includes a barrow, sledge, plough, drag and a wheeled conveyance of any description capable of being used on a highway;
- (s) the expressions "land," "persons interested" and "persons entitled to act" used in this Act shall have the same meaning as the said expressions have in the Land Acquisition Act, 1894.

CHAPTER II.

DECLARATION OF HIGHWAYS, HIGHWAY AUTHORITIES AND THEIR POWERS AND FUNCTIONS.

3. Declaration of roads, ways or lands as highways.—The State Government may, by notification in the official Gazette, declare any road, way or land to be a highway and classify it as,—

- (i) a State highway (Special);

- (ii) a State highway
- (iii) a major district road
- (iv) other district road; or
- (v) a village road

4. Appointment of Highway Authorities.—The State Government may, by notification in the official Gazette, appoint for the purpose of this Act or any of its provisions any person or any authority to be a Highway Authority for all highways in the State or in parts of the State, or for any particular highway or highways in the State specified in the notification.

5. Powers and Duties of Highway Authorities.—Subject to such conditions as may be specified in the notification appointing a Highway Authority and subject to the general or special orders of the State Government, a Highway Authority shall exercise powers and discharge duties in accordance with the provisions of this Act for the restriction of ribbon development along highways, for the prevention and removal of encroachments and for all matters necessary and incidental to any or all of the above subjects. Subject to the approval of the State Government and to such general or special orders which the State Government may make in this behalf, it shall be lawful to a Highway Authority to undertake the construction, maintenance, development or improvement of highways.

6. Officers and servants of Highway Authority.—For the purpose of enabling a Highway Authority to exercise the powers conferred and to discharge the duties imposed upon it by or under the provisions of this Act, the State Government may appoint such officers or servants as it deems necessary to work under such Authority.

CHAPTER III.

RESTRICTION OF RIBBON DEVELOPMENT

7. Power to fix boundary of building and control lines of Highways.—

(1) In any area in which the provisions of this Act have been brought into force; and

- (i) where any road, way or land has been declared to be a highway under section 3, or

- (ii) where the construction or development of a highway is undertaken, the State Government may, by notification in the official Gazette, fix, as respects such highway, the highway boundary, the building line and the control line:

Provided that having regard to the situation or the requirements of a highway or the condition of the local area through which the highway passes, it shall be lawful for the State Government—

- (i) to fix different building or control lines, or
- (ii) not to fix building or control lines, in respect of any highway or portion thereof;

(2) Not less than sixty days before issuing a notification under sub-section (1), the State Government shall cause to be published in the official Gazette and in the prescribed manner in the village and at the headquarters of the taluk in which the highway is situated, a notification stating that it proposes to issue a notification in terms of sub-section (1), and specifying therein all the lands situated between the highway boundary and the control line proposed to be fixed under such notification and in case of new works, also lands benefiting by the construction or development of the highway, as the case may be, together with a notice requiring all persons affected by such notification, who wish to make any objections or suggestions with respect to the issue of such a notification, to submit their objections or suggestions in writing to the Highway Authority or appear before such Authority, within two months of the publication of the notification in the official Gazette or within one month from the date of publication of the notification in the village, whichever period expires later.

(3) The Highway Authority shall, after all such objections or suggestions have been considered or heard, as the case may be, and after such further enquiry, if any, as it thinks necessary, forward to the State Government a copy of the record of its proceeding held by it together with a report setting forth its recommendations on the objections or suggestions.

(4) If, before the expiry of the time allowed by sub-section (2) for filing or hearing of objections or suggestions, no objection or suggestion has been made the State Government shall proceed at once to issue the notification

under sub-section (1). If any such objection or suggestion has been made, the State Government shall consider the record and the report referred to in sub-section (3) and may either,—

- (a) abandon the proposal to issue the notification under sub-section (1) or
- (b) issue the notification under sub-section (1) with such modification, if any, as it thinks fit.

(5) In considering the objections or suggestions the decision of the State Government on the question of issuing the notification under sub-section (1) shall be final and conclusive.

8. Map to be prepared and maintained.—Within two months from the date of publication of the notification under sub-section (1) of section 7 fixing the highway boundary, building line and control line with respect to any highway, the Highway Authority shall cause a map to be made of the area through which such highway passes and shall cause to be marked thereon the highway boundaries, and building and control lines and any other particulars necessary for the purposes of this Act and within one month from the date of making any alteration or addition thereto cause the said map to be corrected and such map with the date indicated thereon of the last time when the same shall have been so corrected shall be kept in the office of the Highway Authority. Such map, which shall bear the seal of the Highway Authority shall be open to inspection. Copies of such map shall also be kept for inspection at such other places as may be prescribed.

9. Restrictions on buildings between highway boundary and building line and between building and control lines.—(1) Notwithstanding anything contained in any law, custom, agreement or instrument for the time being in force on or, after the appointed day, the following restrictions shall subject to the provisions of this Act, be in force, that is to say,—

No person shall, without the previous permission in writing of the Highway Authority,—

- (a) upon any land lying between the highway boundary and the building line proposed to be fixed under sub-section (2), or fixed under sub-section (1) of section 7, as the case may be,

- (i) construct, form or lay out any means of access to, or from, a highway, or
 - (ii) erect any building, or
 - (iii) materially alter any existing building, or
 - (iv) make or extend any excavation, or
 - (v) construct, form or lay out any works, or
- (b) upon any land lying between the building line and the control line proposed to be fixed under sub-section (2), or fixed under sub-section (1) of section 7, as the case may be,
- (i) construct, form or lay out any means of access to, or from, a highway, or
 - (ii) erect any building, or
 - (iii) materially alter any existing building;
- (c) use any building or alter the use of any building already erected in a manner which in the opinion of Highway Authority, will, in any manner whatsoever, infringe any of the provisions of this Act or interfere with the use of a highway adjoining the land on which such building is erected.

(2) Every person desiring to obtain such permission under sub-section (1) shall make an application in writing to the Highway Authority in such form and containing such information as may be prescribed in respect of the building, alteration, excavation works or means of access, as the case may be, to which the application relates.

(3) On receipt of such application, the Highway Authority, after making such enquiries as it may consider necessary, shall, by order in writing, either,—

- (a) grant the permission, subject to such conditions, if any, as may be specified in the order, or
- (b) refuse to grant such permission.

Provided that—

- (i) permission under clause (a) of sub-section (1) to the making of any excavation or construction; formation or laying out of works in any land for the purpose of repairing, renewing, enlarging or maintaining any under ground, sewer, drain, electrical line, pipe, duct or other apparatus shall not be withheld nor be made subject to any conditions save such as may be necessary for securing that the sewer, drain, electric line, pipe, duct or other apparatus shall be laid in such manner and at such levels, that the construction, maintenance, development or improvement of a road thereover will not be prevented or prejudicially affected thereby;
- (ii) permission under clause (b) of sub-section (1) to the erection or alteration of a building or laying out any means of access to a highway which conforms to the requirements of public health and welfare, and of safety and convenience of traffic on the adjoining road shall neither be withheld nor made subject to unreasonable conditions:

Provided that in the case of means of access required for agricultural purposes such permission shall neither be withheld nor be made subject to any conditions save such as may be necessary for securing that the means of access shall be used for agricultural purposes only;

- (iii) permission under clause (b) of sub-section (1) to the re-erection or alteration of a building which was in existence before the appointed day shall neither be withheld nor made subject to restrictions unless such re-erection or alteration involves any material alteration to the outside appearance of the building.

(4) When the Highway Authority refuses permission, the reasons therefor shall be recorded and communicated to the applicant:

Provided that nothing herein contained shall disentitle a person from making a fresh application after omitting therefrom the objectionable features communicated to him as aforesaid on account of which such permission was refused.

(5) If at the expiry of a period of three months after an application for such permission specifying the name and address of the applicant has been made to the Highway Authority, or such further period not exceeding three months as may have been notified by the Highway Authority has elapsed and no

decision has been notified in writing, posted or delivered to the applicant at that address, then (except as may otherwise be agreed in writing between the Highway Authority and the applicant) permission shall be deemed to have been given without the imposition by Highway Authority of any conditions.

(6) The Highway Authority shall maintain register with sufficient particulars of all permissions given or refused by it under this section and the register shall be available for inspection free of charge by all persons interested and such persons shall be entitled to take extract therefrom.

Explanation.—For the purpose of this section the “appointed day” shall, with reference to any highway boundary, building line or control line, mean—

- (i) the day on which a notification is published in the official Gazette under sub-section (2) of section 7 proposing to fix such highway boundary, building line or control line, and
- (ii) if any modification is made in such highway boundary, building line or control line, the day on which the notification is published under sub-section (1) of section 7 fixing such highway boundary, building line or control line.

10. Appeal.—(1) If any applicant is aggrieved by the decision of the Highway Authority under section 9 withholding permission, or imposing any condition, he may appeal to the prescribed authority within thirty days from the date on which such decision was communicated to him.

(2) The prescribed authority may, after giving an opportunity to the applicant to be heard, make such order as it thinks fit upon the appeal and its decision shall be final.

11. Exemptions for works in progress, etc.—No restriction in force under section 9 shall apply to erection or making of a building or excavation or to the construction, formation or laying out of any means of access or works begun before the appointed day referred to in section 9.

(2) No restriction in force under section 9 except restriction as to the construction, formation or laying out of means of access, shall apply to any land forming part of a burial or cremation ground or other place for disposal of dead, being the land which has, before the passing of this Act, been used

for such purpose.

(3) No restriction in force under section 9 shall apply to any excavation or works necessary in connection with any drains, ditches, or other drainage works for agricultural purposes or to any works necessary for the repair, renewal, enlargement or maintenance of any sewer, drain, electric line, pipe, duct, or other apparatus, constructed in or upon the land before the date on which the restriction came into force or with the consent of the Highway Authority on or after that date.

12. Setting back of buildings to building line or control line.—

Whenever any building or any part thereof erected before the appointed day referred to in section 9 lies between the building line and the middle of the highway, the Highway Authority may, whenever any such building or part, has either entirely or in greater part, been taken down, burnt down or fallen down, by notice require such building or part when re-erected to be set back to the building line or control line.

13. Regulation or diversion of right of access to Highway.—(1) The Highway Authority may, if it is considered essential in the interest of safety or convenience of traffic, regulate or divert any existing right of access to a highway across the land lying between the control line and the highway boundary:

Provided that the existing right of access shall not be diverted until alternative access has been given.

(2) Where the existing right of access is diverted, the point at which alternative access is given to the highway shall not be unreasonably distant from the existing point of access.

(3) The Highway Authority shall, by notification in the official Gazette, publish the date on which the existing right of access has been diverted and alternative access has been given.

14. Powers of Highway Authority and officers and servants appointed under section 6 in respect of surveys.—For the purpose of carrying out any of the provisions of this Act, the Highway Authority and the officers and servants appointed under section 6 may,—

- (a) enter upon, survey and take measurements and levels of any land
- (b) mark such levels, dig or bore into sub-soil of any land;
- (c) demarcate the boundaries of the highway by planting stones or other suitable marks in different colours of a durable nature at intervals all along the highway in such a manner that the imaginary line adjoining such stones or marks shows the road boundary correctly;
- (d) where there are bends or kinks on the road boundary, locate the stone or marks in different colours so as to give the correct configuration of the boundary if they are joined by straight lines;
- (e) give consecutive numbers to such boundary stones or marks and maintain them on the ground as if they constituted part of the highway;
- (f) lay out the building and control lines by placing marks in different colours and cutting trenches;
- (g) if the survey cannot otherwise be made or measurements or levels taken or boundaries marked and lines laid out, cut down and clear away any standing crop, tree, fence, jungle or any part thereof;
- (h) do all other acts necessary in that behalf:

Provided that the Highway Authority shall not, except with the consent of the occupier thereof, enter or permit any of the officers or servants to enter any premises without previously giving such occupier at least twenty four hours' notice in writing of its intention to do so.

15. Acquisition of land or right or interest in land.—If at any time on the application of the Highway Authority, the State Government is satisfied that any land required for the purposes of a highway or any right or interest of any person in any land required for the said purposes should be compulsorily acquired or extinguished, as the case may be, it shall be lawful for the State Government to publish a notification to that effect in the official Gazette. Such notification shall also be published in such other manner as may be prescribed. A notification so published shall be deemed to be the declaration that the land is needed or, as the case may be the right or interest is required to be extinguished for the purposes of the highway; and such declaration shall be conclusive that the land is so needed, or the right or interest is so required to be extinguished.

16. Land required to be marked and measured.—The Highway Authority or any officer or servant authorised by the Highway Authority shall thereupon cause the land to be marked out. It shall also cause it to be measured and if no plan is made thereof, a plan to be made of the same.

17. Public notice and other notices of such requirements for acquisition.—(1) The Highway Authority shall then cause a public notice to be given at convenient places on or near such land stating that the State Government intends to take possession of the land, or as the case may be, to extinguish any right or interest in the land and that claims to compensation for all interest in such land, or any right or interest in land to be extinguished may be made to such officer as the Highway Authority may designate.

(2) Such notice shall state particulars of the land so needed or right or interest in land to be extinguished and shall require all persons interested in the land or in the right or interest to be extinguished to appear personally or by agent before such officer as may be designated at the time therein mentioned (such time not being earlier than fifteen days after the date of the publication of the notice) and to state the nature of their respective right or interest in the land or, as the case may be, in the right or interest to be extinguished and the amount and the particulars of their claims to compensation for such right or interest or both and their objections, if any, to the measurements made under section 16. The Highway Authority may in any case, require such statements to be made in writing and signed by the party or his agent.

(3) The Highway Authority shall also serve notice to the same effect on the occupier of such land and on all such persons known or believed to be interested therein or to be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf within the district in which the land is situate.

(4) In case any person so interested resides elsewhere, a notice shall be served in the manner provided in section 71.

18. Persons required to make statements regarding other persons having interest.—(1) The Highway Authority or the officer authorised by it may also require any such person to make or deliver to it or him at a time not being earlier than fifteen days after the date of requisition, a statement

containing, as far as may be practicable, the name of every other person possessing any interest in the land or in any part thereof or, as the case may be, in any right or interest in the land to be extinguished as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits if any, received or receivable on account thereof in respect of three years next preceding the date of such statement.

(2) Every person required to make or deliver a statement under this section or under section 17 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

19. Taking possession of land.—At any time after the publication of the notification under section 15, the State Government may direct that the lands specified in the notification shall be taken possession of, or as the case may be, the right or interest specified therein shall be extinguished from such date as may be specified in the direction. From such date the said land shall vest absolutely in the State Government free from all encumbrances, or as the case may be, such right or interest therein shall be extinguished.

[CHAPTER III-A.

POWER TO ENTER INTO AGREEMENT AND PENALTY FOR MISCHIEF.

19A. Power of the State Government to enter into agreement for development and maintenance of Highways.—(1) Notwithstanding anything contained in this Act or any other Act for the time being in force, the State Government may enter into an agreement with any person in relation to the construction, development and maintenance of the whole or any part of the Highway.

(2) To facilitate or secure such construction, development and maintenance, the agreement may, subject to such terms and conditions as may be prescribed, provide for the transfer of any land belonging to or to be acquired by the State Government under this Act or any other Act, for the time being in force, to such person or persons by way of lease or otherwise during the period of such agreement.

(3) Notwithstanding anything contained in section 48A the person referred to in sub-section (1) is entitled to collect and retain fee at such rate or rates,

1. Chapter III-A and sections 19A and 19B inserted by Act 35 of 1998 w.e.f. 23.12.1998.

Repealed by Act no. 22 of 2000 w.e.f. 19.11.2000

for service or benefits rendered by him as the State Government may by notification in the official Gazette, specify having regard to the expenditure involved in cost of acquisition of land and construction, development and maintenance of highway.

(4) A person referred to in sub-section (1) shall have powers to regulate and control the traffic in accordance with the provisions contained in chapter VIII of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) on the highway forming subject matter of such agreement, for proper management thereof.

19B. Punishment for mischief by injury to highway.—Whoever commits mischief by doing any act which renders or which he knows to be likely to render any highway referred to in sub-section (1) of section 19A impassable or less safe for travelling or conveying property shall be punished with imprisonment of either description for a term which may extend to one year or with fine or with both.”

Explanation.—For the purpose of this section, the expression “Mischief” shall not include any peaceful demonstration or agitation held by any person or group of persons on any highway urging fulfilment of any legitimate demand.]¹

CHAPTER IV.

PREVENTION OF UNAUTHORISED OCCUPATION OF AND ENCROACHMENT ON A HIGHWAY AND REMOVAL OF ENCROACHMENT.

20. Lands forming part of Highway deemed to be Government property.—All lands forming part of the highway which do not already vest in the State Government shall, for the purpose of this Chapter, be deemed to be the property of the State Government.

21. Prevention of unauthorised occupation of highway.—(1) No person shall occupy or encroach on any highway within the highway boundary without obtaining the previous permission in writing of the Highway Authority or an officer authorised in this behalf by the Highway Authority.

(2) The Highway Authority or an officer authorised by the Highway Authority in this behalf may with due regard to the safety and convenience of traffic and subject to such conditions as may be imposed and such rules as may

be prescribed by the State Government, and on payment of such rent or other charges as may be prescribed under such rules permit any person,—

- (i) to place a temporary encroachment on any highway in front of any building owned by him or make a temporary structure overhanging the highway, or
- (ii) to put up a temporary awning or tent, pendal or other similar erection or a temporary stall or scaffolding on any highway, or
- (iii) to deposit or cause to be deposited building materials, goods for sale or other article on any highway, or
- (iv) to make a temporary excavation for carrying out any repairs or improvements to the adjoining buildings:

Provided that no such permission shall be deemed to be valid beyond the period of one year unless expressly renewed by the Highway Authority or the authorised officer.

(3) The permission so granted shall clearly specify the date up to which the person is authorised to occupy the highway, the periods for which occupation is authorised and the exact portion of the highway permitted to be occupied, and shall also be accompanied by a plan or a sketch of that portion of the highway, if necessary.

(4) The person in whose favour such a permission has been given shall produce the permit for inspection whenever called upon to do so by the Highway Authority or any officer by a general or special order empowered in that behalf and shall at the end of the period specified in the permit release the land occupied by him after restoring to it the same state as before the occupation by him.

(5) The Highway Authority or the officer issuing the permission shall maintain a complete record of such permissions issued, and shall also cause a check-up to be made in every case at the expiry of the period up to which occupation has been authorised to ensure that the land has actually been vacated.

22. Power to cancel permit.—(1) The Highway Authority, may cancel any permission granted under section 21,—

- (a) if any rent or charge is not duly paid;
- (b) if the purpose for which the permission was given has ceased to exist;
- (c) in the event of any breach by the holder of such permission of any terms or conditions of such permission;
- (d) if the land on which such encroachment has been made is required for any public purpose or such encroachment is causing impediment or danger to traffic.

(2) Where the permission has been cancelled under clause (b) or (d) of sub-section (1) any rent or charge paid in advance shall be refunded to the holder of such permission less the amount, if any, due to the State Government.

23. Prevention of encroachment.—(1) When as a result of check of highway boundaries made or otherwise it transpires that an encroachment has taken place on a highway, the Highway Authority or the officer authorised under sub-section (1) of Section 21 shall serve a notice on the person responsible for the encroachment or his representative requiring him to remove such encroachment and restore the land to its original condition before the encroachment within the period specified in the notice.

(2) The notice shall specify the land encroached upon and the time-limit within which such encroachment shall be removed and shall also state that failure to comply within the specified period shall render the person liable to prosecution and also to summary eviction.

(3) If the encroachment is not removed within the time limit specified in the notice and no valid cause is shown for non-compliance, the Highway Authority or the authorised officer referred to in sub-section (1) may prosecute such person for his having made or caused the encroachment and for his failure to remove it within the specified time.

(4) Where the encroachment is made for the purpose of exposing articles for sale, opening temporary booths for vending or other like purpose of a trivial nature, the Highway Authority or the authorised officer referred to in sub-section (1) may with the help of the police, if necessary, have such encroachment summarily removed without issuing a notice as required by sub-section (1) or in lieu of removal of encroachment, may give the person

responsible for the encroachment option of executing a lease in favour of the Highway Authority on payment of rent for the area encroached.

(5) When the encroachment is of a temporary nature and can easily be removed, but is not such as can be described as trivial within the meaning of sub-section (4), the Highway Authority or the authorised officer referred to in sub-section (1) may in addition to or in lieu of prosecuting the person responsible for the encroachment under sub-section (3) have the encroachment summarily removed with the assistance of the police, if necessary.

(6) Where the encroachment is of such a nature that its immediate removal is considered essential in the interests of safety of traffic on the highway or the safety of any structure forming part of the highway, the Highway Authority or the authorised officer referred to in sub-section (1) may in addition to the prosecution of the person under sub-section (3), either—

- (i) have such protective work as may be feasible at a reasonable cost carried out so as to minimise the danger to traffic on the highway, or
- (ii) have the encroachment removed with the help of the police, if necessary.

24. Appeal against notice served under sub-section (1) of Section 23.—Where the person on whom notice to remove an encroachment has been served under sub-section (1) of Section 23 lays claim that the land in respect of which encroachment has been alleged is his property or that he has acquired a right over it by virtue of adverse possession or otherwise he shall, within the time limit prescribed in the notice for the removal of encroachment, file an appeal before the Deputy Commissioner under intimation to the Highway Authority or the officer authorised under sub-section (1) of Section 21, as the case may be. The Deputy Commissioner shall, after due enquiry, record his decision in writing and communicate the same to the appellant and the Highway Authority or such officer. The Highway Authority or such officer shall till then desist from taking further action in the matter.

25. Recovery of cost of removal of encroachment.—(1) Whenever the Highway Authority or the officer authorised under sub-section (1) of Section 21 has, under provision of Section 23, removed any encroachment or carried

out any protective works in respect of any encroachment, the expenditure involved shall be recovered from the person responsible for the encroachment in the manner hereinafter provided.

(2) A bill representing expenditure incurred shall be served by the Highway Authority or the authorised officer referred to in sub-section (1) on the person responsible for the encroachment or his representative with a direction to pay up the amount within the specified period to the authority mentioned in the bill.

(3) The bill shall be accompanied by a certificate from the Highway Authority or the authorised officer referred to in sub-section (1) to the effect that the amount of expenditure indicated in the bill represents the charge incurred and such a certificate shall be conclusive proof that the charge had actually been incurred.

(4) The material, if any, recovered as a result of the removal of any encroachment shall be handed over to the person responsible for the encroachment, on payment of the amount of the bill by him, but in the event of his failure to pay up the amount within the specified period, the materials may be auctioned and after deducting the amount of the bill from the proceeds, the balance, if any, shall be paid to such person.

(5) If the proceeds of the auction sale do not cover the total amount billed for, the excess over the amount realised by the sale of the materials or if there are no materials to be disposed of and the billed amount has not been paid by the person responsible for the encroachment within the specified period, the entire amount of the bill shall be recovered from such person as an arrear of land revenue.

CHAPTER V.

COMPENSATION.

26. Doing minimum damage in certain cases and compensation.—In the exercise of the powers under the following provisions by the Highway Authority or any officer or servant appointed under section 6 or any other person authorised by or under this Act by the State Government, as little

damage as can be, shall be done and compensation in the manner prescribed by or under this Act shall be paid to any person who sustains damage in consequence of the exercise of such powers, namely:—

- (a) the imposition of restriction under section 9;
- (b) the setting back of any building or part thereof under section 12;
- (c) the regulation or diversion of any right of access to a highway under section 13;
- (d) the entry, survey, measurement and doing of any of the acts on any land under section 14;
- (e) the acquisition of any land or extinguishment of any right or interest in the land under section 15;
- (f) the closure of any highway or part thereof under section 52.

27. Determination of amount of compensation by agreement.—The amount of compensation payable under section 26, the persons to whom it is to be paid and the apportionment of such amount among the persons interested therein, shall be determined by agreement between the Highway Authority or any officer authorised by the State Government and the person or persons claiming interest therein.

28. Determination of amount of compensation in default of agreement.—(1) In default of any agreement under section 27, the Highway Authority or the officer authorised by the State Government shall, subject to the provisions of this Act, after holding an enquiry, make an award determining—

- (a) the true area of the land, if any, acquired;
- (b) the amount of compensation to be paid under section 26;
- (c) the apportionment, if any, of such compensation amount among all persons known or believed to be entitled thereto.

(2) In determining the amount of compensation, the matter specified in sections 23 and 24 of the Land Acquisition Act, 1894, as amended by the Schedule to this Act, shall be taken into consideration.

29. No compensation if similar restriction in force under any other law or if compensation already received.—No compensation shall be awarded—

- (i) if and in so far as the land is subject to substantially similar restrictions in force under some other law which was in force on the date on which the restrictions were imposed by this Act;
- (ii) if compensation in respect of the same restrictions imposed under this Act or substantially similar restrictions in force under any other law has already been paid in respect of the land to the claimant or to any predecessor in interest of the claimant.

30. Compensation for refusal of permission to build not to exceed difference between its value when it was refused and when it would have been granted.—When permission to erect any building has been refused under section 9 or 10 the amount of compensation shall not exceed the difference between the value of the land as determined by section 23 or 24 of the Land Acquisition Act, 1894, as amended by the Schedule to this Act and the value which it would have had if the permission had been granted. In determining such value any restrictions to which the land is subject under any other law for the time being in force in regard to right of person claiming compensation to erect a building on the land or otherwise to use, hold or dispose of the same shall be taken into consideration.

31. Compensation for diversion of access not to exceed cost of alternative access.—Where the right of access to a highway has been destroyed as a result of the diversion or closure thereof and an alternative access has been given, the amount of compensation shall in no case exceed the cost of laying a new means of access from the property of the claimant to such alternative route.

32. Compensation for cutting of standing crops, trees, etc.—(1) At the time of an entry, survey or measurement or doing any of the things under section 14, the officer making the entry, survey or measurement or doing any other thing, shall pay or tender to any person entitled compensation for all necessary damage done as a result of such entry, survey, measurement or execution of work including the cutting of standing crops, trees, or removal of temporary structures, if any, on the land. If the sufficiency of the amount

so paid or tendered is disputed, the officer concerned shall at once refer the dispute to the Highway Authority and the said Authority shall, with the least practicable delay, decide the dispute and pay the person entitled the amount determined as compensation. The decision of the Highway Authority shall be final.

(2) If at the time of taking possession of the land under section 19, there are any standing crops, trees or temporary structures on the land, the Highway Authority shall pay or tender to the person entitled the amount of compensation for such standing crops, trees or temporary structures. If the sufficiency of such amount is disputed the value of such crops, trees and temporary structures shall be taken into consideration in determining the amount of compensation for the land under section 28.

33. No compensation for unauthorised erections.—If any person has unauthorisedly erected, re-erected, added or altered a building on any land which is acquired for the purpose a highway, then any increase in the value of the land for such erection, re-erection, addition or alteration shall not be taken into account in estimating the value of the land.

34. No compensation for removal of encroachment.—No compensation shall be payable for the removal of any encroachment.

35. Reference against the award of Highway Authority or authorised officer under section 28.—(1) Any person aggrieved by the award of the Highway Authority or the officer authorised under section 28 may, by written application to the Highway Authority or such officer, require that the matter be referred to the Court of the Civil Judge within the limits of whose jurisdiction the land in relation to which the award is made is situate.

(2) Any such application shall be made within six weeks from the date of the award, and shall be in such form as may be prescribed.

(3) The provisions of sections 5, 12 and 14 of the Indian Limitation Act, 1963, shall apply to the computation of the time fixed for reference under sub-section (2).

(4) The Highway Authority or the officer authorised shall make the reference in such manner as may be prescribed.

36. Procedure and powers of the authorities empowered to decide references under sections 35 and 44.—(1) References under sections 35 and 44 shall be deemed to be proceedings within the meaning of section 141 of the Code of Civil Procedure, 1908, and in the trial thereof, the authorities empowered to decide such references may exercise all the powers of a Civil Court under that Code.

(2) The scope of the enquiry in a reference under sections 35 and 44 shall be restricted to a consideration of the matters referred to the authorities mentioned in sub-section (1) in accordance with the provisions of this Act.

37. District Superintendent of Police to enforce surrender or remove any encroachment.—If the Highway Authority or any officer or servant is opposed or impeded in taking possession of any land or in executing any work or in removing any encroachment under this Act, the Highway Authority or officer or servant concerned shall apply to the Commissioner of Police, the Superintendent of Police or such Police Officer as the State Government may empower in this behalf and the Commissioner of Police or the Superintendent of Police or the officer so empowered shall enforce the surrender, removal or execution, as the case may be.

38. Decisions of authorities under sections 35 and 44 to be enforced as decrees of Civil Court.—The decisions of the authorities empowered to decide references under sections 35 and 44 shall be enforceable as a decree of a Civil Court.

39. Payment of compensation awarded.—(i) On the determination of the compensation by agreement under section 27, or

(ii) on making of an award under section 28, or

(iii) if a reference is made under section 35 against such an award, after the decision of the Authority under that section,

the Highway Authority shall make the payment of compensation awarded to person entitled thereto in accordance with the agreement, its award or the decision of the Authority empowered to decide reference under section 35, as the case may be. The provisions of sections 31 to 34 (both inclusive) of the Land Acquisition Act, 1894, shall *mutatis mutandis*, apply to such payment.

40. Payment by adjustment.—All payments due to be made to any person by way of compensation by the Highway Authority under this Act shall, as far as possible, be made by adjustment in such person's account regarding betterment charges, if any, due from such person under Chapter VI.

CHAPTER VI.

LEVY OF BETTERMENT CHARGES.

41. Notice to owners and persons interested.—Where any work which the Highway Authority is empowered to undertake by or under the provisions of this Act is undertaken, the officer authorised by the State Government in this behalf shall give notice to the persons known or believed to be the owners of or interested in the lands benefited by such work requiring them to appear before him either personally or by an agent at a time and place therein mentioned (such time not being earlier than thirty days from the date of the notice) to state their objections, if any, to the imposition and recovery of betterment charges on such lands:

Provided that no such notice shall be given unless the Deputy Commissioner with the previous sanction of the State Government has declared that value of such lands is likely to increase or has increased by reason of construction of such work.

42. Inquiry and order.—On the date fixed under section 41 or on such other date to which the inquiry may be adjourned, the officer authorised under section 41 shall, after holding an inquiry in the prescribed manner and after hearing objections, if any, stated by the persons as required by notice under section 41, make an order. The order shall specify:—

- (a) the lands benefited by the constructions of the work;
- (b) the increase in the value of such lands by the proposed construction;
- (c) the amount of the betterment charges leviable on each of the said lands;
- (d) the date from which such betterment charges shall be leviable

Provided that no betterment charges shall be leviable in respect of any land:—

- (i) which is unsuitable for development as a building site, or
- (ii) which is situated beyond a distance of one furlong from the middle of the highway on either side.

43. Increase in value and betterment charges.—The increase in value on account of construction for such work shall be the amount by which the value of the land on the date of completion of the proposed work is likely to exceed or has exceeded the value of the land on the date of the commencement of the said work and the betterment charges shall be one half of such increase in value.

Explanation:—For the purpose of this section, the State Government shall, by notification in the official Gazette, specify:—

- (a) the date of the commencement of the construction of any work,
- (b) the date of completion of such work.

44. Reference against order of authorised officer under section 42.—(1) Any person aggrieved by the order fixing the betterment charges may, by written application to the officer authorised under section 41, require that the matter be referred to the Civil Judge within the limit of whose jurisdiction the land is situate.

(2) Any such application shall be made within six weeks from the date on which the order of the officer referred to in sub-section (1) was communicated to such person and shall be in such form as may be prescribed.

(3) The provisions of sections, 5, 12 and 14 of the Indian Limitation Act, 1963, shall apply to the computation of the time fixed for reference under sub-section (2).

(4) The officer authorised under section 41 shall make the reference in such manner as may be prescribed.

45. Finality of order fixing betterment charges and of decision on reference.—The order fixing betterment charges made under section 42, subject to a reference to the Authority under section 44 and the decision of the Authority on reference under section 44, shall be final.

46. Betterment charges to be first charge on land next to land revenue.—From the date specified in the order fixing the betterment charges as the date from which such charges shall be leviable, or from such date as may be otherwise specified by the Authority under section 44 as the date from which such charges shall be leviable, the betterment charges recoverable in respect of any land shall, subject to prior payment of land revenue, if any, due to the State Government thereon be a first charge on the land in respect of which such betterment charges are leviable.

47. Payment of betterment charges.—The betterment charges shall be payable on the date fixed under the rules made by the State Government under section 72:

Provided that the owner of the land on which such charges are imposed may execute an agreement in favour of the State Government agreeing to pay the amount of such charges by annual instalments together with interest at such rate and within such period as may be prescribed.

48. Relinquishment of or exchange of land in lieu of payment of betterment charges.—Notwithstanding anything contained in section 47, the State Government may allow the owner of the land on which betterment charges may be payable to relinquish the whole or any part of the land or to deliver it in exchange in lieu of payment of the charges in favour of the State Government on such conditions as may be prescribed:

Provided that no such relinquishment or exchange shall be permitted unless the land is free from encumbrances.

¹[CHAPTER VI-A

48A. Levy of toll.—(1) The State Government may, by notification in the official Gazette, levy toll on all motor vehicles entering such bridges, causeways and tunnels and at such rate not exceeding fifteen rupees per vehicle as may be prescribed, and different rates may be prescribed for different classes of vehicles and different classes of bridges, causeways and tunnels:

Provided that the State Government may, if in its opinion it is necessary in public interest so to do, by notification and subject to such restrictions and

1. Chapter VI-A inserted by Act 15 of 1983 w.e.f. .by notification. Please see the text of notification on p.

conditions as may be specified in the notification, exempt the toll payable in respect of any class of motor vehicles.

(2) The toll payable under sub-section (1) shall be levied and collected in such manner as may be prescribed.

(3) The toll collected under this section shall be credited into the Karnataka Roads and Bridges Fund constituted under section 17A of the Karnataka Motor Vehicles Taxation Act, 1957.]¹

CHAPTER VII.

SUPPLEMENTAL PROVISIONS TO SECURE SAFETY OF TRAFFIC AND PREVENTION OF DAMAGE TO HIGHWAYS.

49. Prevention of obstruction of view of persons using any highway.—(1) Whenever the Highway Authority is of opinion that it is necessary for the prevention of danger arising from obstruction of the view of persons using any highway, especially at any bend or corner of the highway, it may, save as otherwise provided in section 11, serve a notice upon the owner or occupier of land alongside or at the bend or corner of such highway to alter within such time and in such manner as may be specified in the notice, the height or character of any existing wall (not being a wall forming part of a permanent structure), fence, hedge, tree, advertisement post, bill board or any other object thereon, so as to cause it to conform with any requirements specified in the notice.

(2) If any person upon whom a notice has been served under sub-section (1) objects to comply with any requirement of such notice, he may, within one month of its receipt, send to the Highway Authority his objection in writing stating the grounds thereof.

(3) The Highway Authority shall, within one month of the receipt of the objection, consider the grounds advanced and shall, by order in writing, either withdraw the notice or amend or confirm it.

(4) If a person is aggrieved by an order issued by the Highway Authority under sub-section (3), he may prefer an appeal within fifteen days from the date when such order was communicated to him, to the Deputy Commissioner whose decision in the matter shall be final.

(5) If any person fails to comply with the notice served on him under sub-section (1) as amended or confirmed, as the case may be, under sub-section (3), the Highway Authority may take action to alter the object causing obstruction of view at its own expense, and such expenditure shall be recovered from such person in accordance with the provisions of section 25, without prejudice to any other action which may be taken against him.

50. Highway Authority to regulate traffic when highway declared unsafe.—If at any time it appears to the Highway Authority that any highway in its charge or any portion thereof is or has been rendered unsafe for vehicular or pedestrian traffic by reason of damage or otherwise, it may, subject to such rules as may be prescribed in this behalf, either close the highway or the portion of it to all traffic or to any class of traffic, or regulate the number and speed or weight of vehicles using the highway.

51. Prohibition of use of heavy vehicles on certain highways.—Where the Highway Authority is satisfied that any highway or a portion thereof, or any bridge, culvert or causeway built on or across any highway, is not designed to carry vehicles of which the laden weight exceeds such limit as may be fixed in this behalf, it may, subject to such rules as may be prescribed in this behalf, prohibit or restrict the plying of such vehicles on or over such highway or such part of the highway or such bridge, culvert or causeway.

52. Procedure to be followed when Highway Authority desires permanently to close any highway.—(1) Where in exercise of the powers conferred on it by section 50 the Highway Authority desires permanently to close down any highway or part thereof, it shall give notice of its intention so to do in the official Gazette. The notification shall also be published in at least two newspapers, which have circulation in the place in which the highway is situate.

(2) The notice shall indicate the alternative route, if any, which is proposed to be provided or which may already be in existence, and shall also invite objections, if any, to the proposal to be submitted within such time as may be specified.

(3) The Highway Authority shall finalise its proposal to close down any highway or part of it after considering the objections, if any, received within the specified time and shall submit the final proposal to the State Government for approval together with such objections as may have been received against the proposal.

(4) The State Government may either approve the proposal with or without modification, or reject it.

(5) When the State Government has approved the proposal it shall publish its orders in the official Gazette.

(6) When the orders of the State Government have been published in the official Gazette, the Highway Authority shall arrange for further publicity to be given to the orders in at least two newspapers having circulation in the place in which such highway is situate and the highway or part thereof shall then be closed.

(7) Whenever any highway or any part thereof has been so closed, reasonable compensation shall be paid to every person who was entitled otherwise than as a mere member of the public, to use such highway or part thereof as a means of access to or from his property and has suffered damage by such closure.

53. Consent of Highway Authority required to do certain acts on highway.—(1) Notwithstanding anything contained in any other enactment for the time being in force but subject to the provisions of section 73, no person other than the Highway Authority or any person authorised by it shall construct or carry any cable, wire, pipe, drain, sewer or channel of any kind through, across, under or over any highway, except with the permission in writing of the Highway Authority.

(2) In giving its consent, the Highway Authority may impose such conditions as it may deem to be necessary and may also impose a rent or other charge for any land forming part of the highway occupied by or applied to the proposed work.

(3) If any person constructs or carries out any work in contravention of sub-section (1), the Highway Authority may arrange for the removal of such work and restoration of the highway to its former condition in accordance with the provisions of section 23 as if the work constituted an encroachment on the highway, and such expenses as the Highway Authority may incur for this purpose, shall without prejudice to any other action that may be taken against such person, be recovered from him in accordance with the procedure provided in section 25 in so far as that procedure is applicable.

54. Prevention and rectification of damaged highway.—(1) No person shall wilfully cause, or allow any vehicle or animal in his charge to cause any damage to any highway.

(2) Where in contravention of sub-section (1), any damage has been caused to any highway, the Highway Authority shall have the damage repaired and the expenses involved shall, without prejudice to any other action that may be taken against the person responsible for the contravention of sub-section (1), be recovered from him in accordance with the procedure provided in section 25 in so far as that procedure is applicable.

CHAPTER VIII.

PENALTIES.

55. Disobedience of orders, instructions and refusal to give information, etc.—Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act to give such direction, or obstructs any person or authority in the discharge of any functions that such person or authority is required or empowered under this Act to discharge, or, being required by or under this Act to supply any information, withholds such information or gives information which he knows to be false or which he does not believe to be true, shall, on conviction, be punished with fine which may extend to two hundred rupees.

56. Contravention of restrictions relating to access or erecting any building, etc.—Whoever erects, alters or extends any building, or makes any excavation, or constructs any means of access to or from a highway or does any other work in contravention of the provisions of section 9, shall, on conviction, be punished,—

(a) with fine which may extend to five hundred rupees, and

(b) with further fine which may extend to one hundred rupees for each day after such conviction, during which the offending structure or work is not removed, demolished or cleared and the site not restored to its original condition.

57. Unauthorised occupation of highway.—Whoever—

(a) occupies or makes any encroachment on any highway in contravention of the provisions of sub-section (1) of section 21, or

(b) fails to comply with the notice served on him under sub-section (1) of section 23 for no valid reason, shall, on conviction, be punished,—

- (i) for a first offence with fine which may extend to two hundred and fifty rupees,
- (ii) for a subsequent offence in relation to the same encroachment with fine which may extend to five hundred rupees plus a further fine not exceeding fifty rupees per day on which such occupation of the highway or encroachment continues.

58. Causing damage to highways.—Whoever in contravention of sub-section (1) of section 54 wilfully causes, or allows any vehicle or animal in his charge to cause any damage to any highway, shall, on conviction, be punished with fine which may extend to one thousand rupees.

¹[**58A. Entry to bridges etc., without paying toll.**—Whoever enters a bridge, causeway or tunnel without paying the toll prescribed under section 48A shall, on conviction, be punished,—

(a) for the first offence with a fine which may extend to one hundred rupees;

(b) for a subsequent offence with a fine which may extend to four hundred rupees.]¹

59. General provision for punishment of offences.—Whoever contravenes any provisions of this Act or of any rule or order made thereunder shall, if no other penalty is provided for the offence, on conviction, be punished,—

(a) for a first offence with fine which may extend to fifty rupees,

(b) for a subsequent offence with fine which may extend to two hundred rupees.

60. Power to compound offences.—Any offence committed under this Act may be compounded by the Highway Authority and if any proceedings have been instituted against any person in any criminal court, then on the terms of the compromise being carried out, the composition shall be held to amount to an acquittal and in no case shall any further proceedings be taken against such person or any property of such person with reference to the same facts.

1. Section 58A inserted by Act 15 of 1983 w.e.f.

CHAPTER IX.**MISCELLANEOUS.**

61. Revision.—The State Government may at any time call for and examine the records relating to any order passed or proceeding taken under this Act by the Deputy Commissioner or the Highway Authority or any officer subordinate to the Deputy Commissioner or the Highway Authority for the purpose of satisfying itself as to the legality or correctness of such order or proceeding and may pass such order in reference thereto as it thinks fit:

Provided that no order shall be modified, annulled or reversed unless notice has been served on the parties interested and opportunity given to them for being heard.

62. Powers and duties of police.—Every Police Officer shall forthwith furnish information to the nearest Highway Authority or the nearest officer subordinate to the Highway Authority of any offence coming to his knowledge which has been committed against this Act or any rule made thereunder and shall be bound to assist the Highway Authority and its officers and servants in the exercise of their lawful authority.

63. Duties of village officials.—Every village headman, village accountant, village watchman or other village official by whatever name called, shall forthwith inform the nearest police station or the nearest Highway Authority or any officer duly authorised by the Highway Authority, whenever he becomes aware that any survey mark or any boundary mark of any highway or any mark showing the building or control line determined in respect of a highway has been destroyed, damaged, removed, displaced or otherwise tampered with, or that any damage to any highway or encroachment on any highway has been made.

64. Power to utilise highway for other than road purposes.—The Highway Authority may utilise temporarily for other than road purposes land forming part of a highway which is not immediately required for the passage of traffic.

65. Summary eviction.—Any person wrongfully occupying any land,—

(a) which is part of a highway,

(b) the occupation of which contravenes any of the provisions of this Act and the said provisions do not provide for the eviction of such person,

shall be summarily evicted by the Deputy Commissioner in the prescribed manner on being required to do so by the Highway Authority or any officer authorised in this behalf by the State Government.

66. Inquiries.—(1) The Highway Authority or the officer authorised by the State Government in this behalf shall, if he desires to make any inquiry for the purposes of this Act, make the inquiry in the prescribed manner.

(2) The Highway Authority and an officer authorised by the State Government or the Highway Authority under this Act shall have the power to take the evidence on oath and to summon any person whose attendance he considers necessary either to be examined as a party or to give evidence as a witness or to produce documents for the purpose of the inquiry under sub-section (1).

(3) Any person summoned under sub-section (2) shall be bound to attend either in person or by an authorised agent as directed in the summons:

Provided that exemptions under sections 132 and 133 of the Code of Civil Procedure, 1908, shall be applicable to requirements for attendance under this Act.

(4) Every person summoned under sub-section (2) either to be examined as a party or to give evidence as a witness shall be bound—

(i) to state the truth upon any subject respecting which he is examined or makes a statement; or

(ii) to produce such documents as may be required.

(5) Any person summoned merely to produce a document shall be deemed to have complied with the summons by causing the production of such document instead of attending personally to produce the same.

67. Registration of map made under section 8 not required.—(1) Nothing in the Indian Registration Act, 1908, shall be deemed to require the registration of any map made under section 8.

(2) All such maps shall, for the purposes of sections 49 and 50 of the Indian Registration Act, 1908, be deemed to have been and to be registered in accordance with the provisions of that Act:

Provided that the maps shall be accessible to the public in the manner prescribed.

68. Certain persons to be public servants.—The Highway Authority, the officers and other persons authorised or appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

69. Bar of jurisdiction.—No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act, required to be settled, decided or dealt with by the Highway Authority, the Deputy Commissioner, an officer or person authorised under this Act, any Authority under section 35 or section 44 or the State Government.

70. Protection of persons acting in good faith and limitation of suit or prosecution.—(1) No suit or prosecution or other legal proceeding shall be instituted against any public servant or officer or persons duly authorised under this Act in respect of anything in good faith done or intended to be done under this Act, or the rules or orders made thereunder.

(2) No suit or prosecution shall be instituted against any public servant or officer or person duly authorised under this Act in respect of anything done or intended to be done under this Act, except with the previous sanction of the State Government.

71. Service of notices and bills.—(1) Every notice or bill issued or prepared under this Act, may be served or presented—

- (a) by delivering or tendering it or sending it by registered post to the person to whom it is addressed, or to his agent, or
- (b) if such a person or his agent is not found, then by leaving it at his usual or last known place of abode or by delivering or tendering it to some adult male member of his family or by causing it to be fixed on some conspicuous part of the building or land, if any, to which it relates.

(2) Where a notice under this Act is required to be served upon an owner or occupier of a building or land, it shall not be necessary to name the owner or occupier, and the service thereof may be effected either,—

- (a) by delivering or tendering the notice or sending it by registered post to the owner or occupier or if there be more owners or occupiers than one, to any one of them, or
- (b) if no such owner or occupier is found, then by giving or tendering the notice to an adult male member or servant of his family or by causing the notice to be fixed on some conspicuous part of the building or land to which the same relates.

(3) Whenever the person to whom a notice or bill is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

72. Power to make rules.—(1) The State Government may, by notification in the official Gazette, and subject to the condition of previous publication, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules for all or any of the following matters:—

- (a) the manner in which the notification may be published in the village and at the headquarters of the taluk under sub-section (2) of section 7;
- (b) the other places at which copies of map may be open to inspection under section 8;
- (c) the form of application and its contents under sub-section (2) of section 9;
- (d) the other manner of publishing the notification under section 15;
- (e) the conditions on which and the amount of rent or charge on payment of which encroachments may be made on a highway;
- (f) the manner in which a reference shall be made under section 35 or 44;
- (g) fixation of the date on which the betterment charges shall be payable under section 47 and instalments together with the rate of interest and the period within which such instalments shall be paid under the proviso to the said section;
- (h) the conditions on which any land may be relinquished or delivered in exchange in favour of the State Government under section 48;
- (i) rules subject to which any highway or portion of it may be closed to traffic or any class of traffic or the number and speed or weight of vehicles using the highway may be regulated under section 50;
- (j) rules subject to which plying of vehicles may be prohibited under section 51:

- (k) the prevention of obstruction of view of persons using highways and of annoyance, danger or injury to the public;
- (l) the prevention of obstruction, encroachment and nuisance on or near and of damages to highways;
- (m) the proper maintenance of boundary marks demarcating highway boundaries and building and control lines;
- (n) the prescription of various forms of applications required to be made and the forms of notice and bills required to be served on persons, the charges to be made for the supply of copies of maps, and the rent or other charges to be imposed or levied under the provisions of this Act;
- (o) the general guidance of the Highway Authority in the discharge of its functions under this Act;
- (p) regulation or diversions of existing rights of access;
- (q) the manner of holding an enquiry under section 65 or section 66;
- (r) any other matter which is to be or may be prescribed.

73. Savings.—(1) Subject to the provisions of this section, nothing in this Act shall be affect—

- (a) the rights of any local authority to make any excavation for the purpose of laying, making, altering, repairing or renewing any sewer, drain, water course or other work; or
- (b) the rights of any authority appointed under any law for the time being in force for water, electricity, railways, or trolley vehicles to erect any support or make any excavation for the purpose of laying, making, altering, repairing or renewing any main, pipe, sluice, weir, electric line, duct, drain or other apparatus; or
- (c) any land belonging to a railway administration or belonging to or used by a person holding a license or sanction for the generation, transformation or distribution of electricity under the Indian Electricity Act, 1910, when such land is held or used by the Railway administration or such person, as the case may be, for the purpose

of its railway or for generation, transformation or distribution of electricity, except in so far as they may consent thereto; or

- (d) any land within the limits of a Cantonment or a port declared by or under any law made by Parliament or existing law to be a major port;
- (e) any land within the jurisdiction of a local authority under the administrative control of the Central Government:

Provided that—

- (i) any restriction in force under section 9 as to construction, formation or laying out of means of access to, or from, any road, shall without any such consent as aforesaid, extend to any such land as is specified in clause (c) in so far as the restrictions relate to means of access over or under such land to, or from, land other than land so specified; and
- (ii) any consent required for the purpose of this section shall not be unreasonably withheld and the question whether or not the consent so required is unreasonably withheld shall be determined by the State Government and the decision of the State Government on the question shall be final.

(2) Nothing in this Act shall affect any powers and duties of the telegraph authority under the provision of the Indian Telegraph Act, 1885.

*Explanation:—*For the purposes of this section the ¹[Karnataka]¹ Housing Board constituted under the ¹[Karnataka]¹ Housing Board Act, 1963, shall be deemed to be a local authority.

74. Provisions of this Act or rules to prevail over inconsistent provisions in other laws.—Save as provided in section 72, the provisions of this Act or rules made thereunder in regard to any matter dealt with thereby shall prevail over the provisions of any other law made by the State Legislature or any law which the State Legislature is competent to make or to amend, in so far as such law is inconsistent with the said provisions or rules, and such law to the extent of such inconsistency shall cease to apply or shall not apply to any such matter.

75. Building and control lines along National Highways.—For the avoidance of doubt it is hereby declared that nothing in this Act shall apply to highways which are or have been declared by or under any law made by Parliament to be National Highways:

Provided that if any highway is declared to be a National Highway by or under any law made by Parliament, it shall be lawful for the State Government to fix or not to fix the building and control lines for different portions of the said highway under section 7 and thereafter the provisions of this Act in so far as they apply to the restrictions on buildings between the highway boundary and the building line or between the building line and the control line and other provisions relating to such building and control lines shall, *mutatis mutandis*, apply.

76. Repeal.—The Bombay Highways Act, 1955 (Bombay Act LV of 1955) and the Mysore Highways Act, 1920 (Mysore Act IV of 1920) are hereby repealed.

SCHEDULE

[See sections 28(2) and 30]

Amendments to the Land Acquisition Act 1894 (Act 1 of 1894)

1. Amendment of section 23 of Act I of 1894.—For section 23 of the Land Acquisition Act, 1894, the following shall be substituted, namely :—

“23. Matters to be considered in determining compensation.—In determining the amount of compensation to be awarded for the land or any interest therein acquired under this Act, the following matters shall be taken into consideration.—

- (1) the market value at the date of the publication of the declaration under section 15 of the '[Karnataka]' Highways Act, 1964;
- (2) the use to which the land was put at the date of such declaration;
- (3) the damage sustained by the person interested by reasons of the taking of any standing crops or trees which may be on the land at the time when the possession was taken from him;
- (4) the damage (if any) sustained by the person interested at the time of the possession being taken from him by reason of severing such land from his other land;

Adapted by the Karnataka Adaptations of Laws Order, 1973 (1.11.1973).

- (5) the damage (if any) sustained by the person interested at the time of the possession being taken from him of the land by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner or his earnings;
- (6) if in consequences of the acquisition of the land the person interested is compelled to change his residence, or place of business, the reasonable expenses, if any, incidental to such change.”

2. Amendment of section 24 of Act I of 1894.—For section 24 of the Land Acquisition Act, 1894, the following shall be substituted, namely :—

“24. Matters to be neglected in determining compensation.—But the Court shall not take into consideration the following matters:—

- (1) the degree or urgency which has led to the acquisition;
- (2) any disinclination of the person interested to part with the land acquired;
- (3) any damage sustained by him which, if caused by private person, would not render such person liable to a suit;
- (4) any damage which is likely to be caused to the land acquired after the date of the publication of the declaration under section 15 of the ¹[Karnataka]¹ Highways Act, 1964; by or in consequence of the use to which it will be put;
- (5) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;
- (6) any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;
- (7) any outlay or improvements on, or for the disposal of the land acquired, commenced, made or effected without the sanction of the Highway Authority after the date of the publication of the declaration under section 15 of the ¹[Karnataka]¹ Highways Act, 1964;
- (8) the special suitability or adaptability of the land for any purpose, if that purpose is a purpose to which it could be applied in pursuance of any law or for which there is no market apart from the special needs of the Highway Authority;
- (9) any increase in the value of the land by reason of the use thereof or any premises thereon in a manner which could be restrained by any court, or is contrary to law or is detrimental to the health of the inmates of the premises or to the public health.”

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 (1.11.1973)

1[NOTIFICATION**Bangalore, dated 6th August 1969.**

S.O 1638.- In exercise of the powers conferred by sub-section (4) of Section 1 of the Mysore Highways Act 1964 (Mysore Act 44 of 1964), the Government of Mysore hereby directs that all the provisions of the said Act other than Section 1 thereof shall come into force in the whole of the State of Mysore on the 16th day of August 1969.

[No PWD 17 CSR 65]

By order and in the name of the
Governor of Mysore,

IFTIKHAR AHMED,
Secretary to Government,
Public works & Electricity Department.

1. Published in the Karnataka Gazette Part IV 2c(ii) dated, 7th August 1969 at page 3990.

THE KARNATAKA HIGHWAYS RULES, 1965

ARRANGEMENT OF RULES

Rule	Page No.
Title.	43
2. Definitions.	43
3. Manner of publication of the notification under Section 7(2)	44
4. Places where copies of map to be kept under section 8.	44
5. Form of application for permission under section 9.	44
6. Manner of publication of the Notification under section 15.	44
7. Form of application for permission under section 21 to occupy highway land.	44
8. Conditions on which permission to be granted under section 21 to occupy highway land.	44
9. Rent to be charged for occupation of highway land.	45
10. Manner of reference under section 35 by the Highway Authority or the Authorised Officer.	45
Form of application under section 44 for reference against order fixing betterment charges.	46
12. Manner of reference under section 44 by the Officer authorised.	46
13. Date on which betterment charges shall be payable under Section 47.	47
14. Payment of betterment charges by instalments under proviso to Section 47.	47
15. Relinquishment of exchange of land, under section 48.	47
16. Prohibition or regulation of traffic when Highway considered unsafe under Section 50.	48
17. Prohibition or restriction of the use of heavy vehicles under Section 51.	48
18. Rates of toll and its payments.	48
19. Exhibition of rates of toll.	48

20.	Procedure for collection / realisation of amount, handling etc.	49
21.	Mode of collection of toll.	49
22.	Remittance of toll collected.	50
23.	Submission of returns.	51
24.	Reimbursement of collection charges.	51
25.	Assistance by police.	51
	SCHEDULE-I	52
	SCHEDULE-II	53
	Forms 'A'	54
	Forms 'B'	55
	Forms 'C'	57
	Forms 'D'	58
	Forms 'E'	59
	Forms 'F'	60
	Forms 'G'	61
	Forms 'H'	62
	Forms 'I'	63

PUBLIC WORKS SECRETARIAT.

1[NOTIFICATION

Bangalore, dated 4th December 1965.

G.S.R.758.- In exercise of the powers conferred by section 72 of the Karnataka Highways Act, 1964 (Karnataka Act No.44 of 194), the Government of Karnataka hereby makes the following rules, the draft of the same having been published as GSR 654 in PART IV section 2-c (i) of Karnataka Gazette dated 9th September 1965, as required by sub-section 1) of the said section, namely-

THE KARNATAKA HIGHWAYS RULES, 1965

**(As amended by GSR 89 dated 30-3-1984 and
Notification No PWD 12 CBR 95 dated 31-7-1998)**

1. Title.- These rules may be called the Karnataka Highways Rules, 1965.

2. Definitions.- In these rules, unless the context otherwise requires,

(a) 'Act' means the Karnataka Highways Act, 1964;

²["(a) " Assistant Executive Engineer" means an officer of the State Public Works Department having that designation and being incharge of particular road, bridge, tunnel or causeway located on the Highway and who is appointed by the State Government under section 6 of the Karnataka Highways Act, 1964, to work under Highway Authority.

(aaa) 'Bridge' means a bridge with permanent structures, the cost of which including the cost of the bridge proper, approach roads, guide bunds and protective works as also structures constructed or improved for collection of toll, is more than rupees twenty-five lakhs and which is completed and opened to traffic on Highways after the First day of April, 19 83."]²

(b) 'Form' means a form appended to these rules;

²["(bb) 'motor vehicle' has the same meaning as in the Motor Vehicles Act, 1939."]²

(c) 'Schedule' means the schedule to these rules;

(d) 'Section' means a section of the Act.

²["(e) 'Toll Inspector' means a person appointed by the State Government under section 6 of the Karnataka High-ways Act, 1964 to collect toll in respect of any motor vehicle crossing a bridge tunnel or causeway

1. Publication in the Karnataka Gazette dated 16-12-1965.

2. Inserted by GSR 89 dt.31-3-1984 (Notification No.PWD 62 CBR 83 dated 30-3-84) w.e.f. 31-3-1984.

and includes every State Government employee posted on such bridge, tunnel or causeway in connection with the collections of toll."]²

3. Manner of publication of the notification under Section 7(2).- In addition to publication of the notification in the official Gazette under sub-section (2) of section 7, the notification shall be caused to be published in the chavadi of the village and in the office of the Tahsildar of the Taluk concerned in which the highway is situated.

4. Places where copies of map to be kept under section 8.- The Highway Authority shall arrange to keep for inspection a copy of the map referred to in section 8 at the following places besides its own office;

(i) office of the Tahsildar of each of the Taluks in which the lands between the highway boundaries and the control lines marked on the map are situated,

(ii) office of each of the Public Works Department sub-divisions in charge of the Highway marked on the map.

5. Form of application for permission under section 9.- An application for permission falling under clause (a) or clause (b) of sub-section (1) of section 9 shall be made in Form 'A' and for permission falling under clause (c) of that sub-section shall be made in Form 'B'.

6. Manner of publication of the Notification under section 15.- In addition to publication of a notification in the Official Gazette under Section 15, such notification shall be caused to be published-

(i) in the office of the Highway Authority,

(ii) in the chavadi of the village,

(iii) office of the Tahsildar of each of the Taluks in which the land in question lies.

7. Form of application for permission under section 21 to occupy Highway land.- An application for permission to occupy or encroach upon High-way land within the Highway boundaries under sub-section (1) of section 21 shall be made to the Highway Authority in Form-'C'.

8. Conditions on which permission to be granted under section 21 to occupy Highway land.- Permission to occupy or encroach on any highway within the highway boundaries shall, be granted subject to the following conditions:-

(i) The structure to be erected or work to be carried out shall be so executed as not to interfere with traffic on the highway or the highway drainage;

(ii) The structure shall be erected in conformity with the plan approved

by the Highway Authority and shall not be altered or extended without the prior written permission of the Highway Authority. It shall not be used for any purpose other than the one for which permission is granted;

(iii) The structure shall be constructed and maintained to the satisfaction of the Highway Authority;

(iv) No trees on the Highway land shall be removed, cut or damaged or highway accessories or materials removed or damaged without the prior written permission of the Highway Authority and payment of compensation therefore, as determined by the Highway authority;

(v) The applicant shall be solely liable for any loss or injury sustained by any person as a result of any carelessness, negligence or misconduct of any of his employees in the erection, setting up, repair or use of the structure on or overhanging the highway land;

(vi) The applicant shall pay rent for the occupation of or encroachment on a Highway within the highway boundaries at the rates fixed under rule 9;

(vii) The applicant shall be liable to pay all taxes, rates or assessments payable to Government or any local authority in respect of the highway land occupied or structure constructed or projected thereon;

(viii) The applicant shall deposit by way of security with the Highway Authority such amount as may be fixed by the Highway Authority which will be liable to forfeiture in case of default in the payment of rent and other charges payable to Government or contravention of any of the conditions subject to which the permission is granted;

(ix) On the expiry of the period for which the permission is granted, the land shall be vacated and restored to its original condition and handed over to the Highway Authority;

(x) The permission shall not be transferred to any other person, without the prior written permission of the Highway Authority.

9. Rent to be charged for occupation of Highway Land.- The Highway Authority shall charge rent for occupation of or encroachment on a Highway within the highway boundaries permitted under section 21 at the rates prescribed in the Schedule.

10. Manner of reference under section 35 by the Highway Authority or the authorised officer.- (1) (i) An application under section 35 for reference to the court against the award made under section 28 shall be in Form 'D'.

(ii) the Highway Authority or the officer authorised under section 28 shall make reference under section 35, by a statement in writing, giving the following particulars namely:-

- (a) full particulars of the property or right or interest therein and the nature of damage, if any, thereto in respect of which compensation is awarded;
 - (b) the names of the person whom he has reason to think interested in such compensation;
- (2) The Statement under sub-rule (1) shall be accompanied by:-
- (a) a copy of the award;
 - (b) a copy of the application requiring the reference to be made under section 35; and
 - (c) a schedule giving particulars of the notices served upon and of the statements in writing made or delivered by the parties interested.

11. Form of application under section 44 for reference against order fixing betterment charges.- An application under sub-section (2) of Section 44 for a reference against an order fixing the betterment charges under section 42 shall be made in Form 'E'.

12. Manner of reference under Section 44 by the officer authorised.-

(1) The officer authorised under Section 41 shall make the reference under Section 44 by a statement in writing giving the following particulars, namely:-

- (a) the situation and extent of the land with particulars of buildings, if any, thereon; and
 - (b) the names of the persons whom he has reason to think are interested in such land and buildings;
- (2) The statement under sub-rule (1) shall be accompanied by:-
- (a) a copy of the order fixing the betterment charges;
 - (b) a copy of the application requiring the reference to be made under section 44;
 - (c) a schedule giving the particulars of the notices served upon and of the statement in writing made or delivered by the parties interested;
 - (d) a copy of the plans showing the nature and location of the highway work concerned in relation to the lands assessed to betterment levy.

13. Date on which betterment charges shall be payable under Section 47.- The betterment charges shall be payable within ninety days from the date of the communication of the order made under section 42 or the date of the decision of the Court under section 44, as the case may be.

14. Payment of betterment charges by instalments under proviso to Section 47.- (1) If the owner of any land desires to pay the amount of betterment charges by annual instalments as provided in section 47, he shall make an application to that effect in writing to the Officer making the order under section 42 within one month from the date of the communication of the order made under section 42 or the date of the decision of the court under section 44, as the case may be. The owner shall state in the application the number of instalments in which he desires to pay the charges. Such number shall not exceed ten.

(2) Interest at the rate of 5 percent per annum shall be charged on the amount of betterment charges permitted to be paid in instalments.

(3) The instalments shall be so fixed as to secure the full payment of the whole amount of betterment charges together with interest thereon as far as possible within the period specified by the owner in his application but in no case shall such period exceed ten years from the date on which such charges become leviable.

(4) On receipt of an application under sub-section (1), the officer authorised shall fix the amount of each annual instalment including the interest charges to be paid by the owner, the number of such instalments and the date on which each instalment shall be paid by the owner.

(5) The owner of the land shall thereon execute an agreement as required by the proviso to Section 47. Such agreement shall be in Form 'F'.

15. Relinquishment or exchange of land under Section 48.- (1) If the owner of land desires to relinquish the whole or any part of the land or to deliver it in exchange in favour of the State Government under Section 48, he shall make an application to that effect in writing to the authorised officer within one month from the date on which betterment charges become leviable in respect of such land.

(2) The owner of the land shall state in the application:-

- (a) full particulars of the land and the amount of betterment charges fixed thereon;

- (b) the area of the land proposed to be relinquished or given in exchange and the value thereof according to the owner;
- (c) particulars of the encumbrances, if any, on the land. He shall attach a sketch showing the exact location of the land proposed to be relinquished or given in exchange.

(3) The authorised officer on receipt of the application shall assess the value of the land proposed to be relinquished or exchanged and shall forward the application, along with his recommendations to the State Government, which may pass such orders thereon as it may deem fit under section 48.

16. Prohibition or regulation of traffic when Highway considered unsafe under Section 50.- Whenever the Highway Authority closes a highway or portion thereof or regulates the number of speed or weight of vehicles using the highway under section 50, it shall-

- (i) publish a notification in the official Gazette and also in atleast one newspaper circulating in the locality, giving particulars of the restrictions imposed;
- (ii) put up notice boards at suitable places along the highway giving particulars of the restrictions imposed;
- (iii) in case of closure of the highway or portion thereof to all or any class of traffic, put up barriers, as may be necessary, at suitable places with arrangements for display of red light at night.

17. Prohibition or restriction of the use of heavy vehicles under Section 51.- Whenever the Highway Authority prohibits or restricts the plying of heavy vehicles under section 51 it shall:-

- (i) Publish a notification in the official gazette and also in at least one newspaper circulating in the locality giving particulars of the restrictions imposed;
- (ii) put up notice boards at suitable places along the highways, giving particulars of the restrictions imposed.

18. Rates of toll and its payments.- There shall be levied and paid to the Highway Authority on behalf of the State Government toll on the motor vehicles for the use of bridges, causeways and tunnels at the rates specified in the Second Schedule to the said rules.

19. Exhibition of rates of toll.- A Table of tolls authorised to be levied at any bridges, causeways or tunnels shall be put up in a conspicuous place near a collection booth legibly written or printed in Kannada, English and Hindi.

1. Rule 18 to 25 inserted by GSR 89 dated 31-3-1984 (Notification No.PWD 62 CBR 83 dated 30-3-1984) w.e.f. 31-3-1984.

20. Procedure for collection / realisation of amount handling etc.- (1)

All tolls levied under these rules shall be collected by the Highway Authority concerned departmentally on behalf of the State Government and for this purpose necessary arrangements shall be made by the Highway Authority concerned for putting up adequate number of collection booths operated manually or by automatic arrangement or by combination of both as may be considered suitable by the Highway Authority including improvement and widening of approach roads to serve the collection booths so set up.

(2) There shall be posted at either end of the bridge, causeway and tunnel, a Toll Inspector (with necessary police guard to assist) who shall be authorised to collect toll in respect of any motor vehicle crossing the said bridge, causeway and tunnel at the rates specified in the Second Schedule.

(3) There shall be provided at either end of the bridge, causeway or a tunnel, a cross bar of securing the stoppage of motor vehicles.

(4) The Toll Inspector shall ensure at the cross bar that passage is not allowed to motor vehicles unless the toll leviable in respect thereof has been paid.

21. Mode of collection of toll.- (1) Every driver, owner or person incharge of a motor vehicle, required to pay toll under these rules shall before crossing the bridge, causeway or tunnel or after having crossed it stop his vehicle at the cross bar, go to the toll collection booth to pay the toll leviable in respect of the vehicle and obtain from the toll Inspector a receipt in duplicate in Form G in token of having paid the toll, before he is allowed to proceed further.

(2) In the event of two or more bridges, causeways or tunnels falling in close proximity to each other within twenty kilo meters from a point at the beginning of the approach of entry of the first bridge, tunnel or causeway to be crossed under the jurisdiction of the same Highway Authority, the aggregate toll for all such bridges, tunnels or causeways may, if so deemed necessary, be collected from the driver, owner or person incharge of such of the motor vehicles which intend to cross more than one such bridge, tunnel, causeway or any of the intermediary bridges, tunnels, causeways to be crossed and the vehicle holding the receipt of such a payment shall be allowed to pass through other aforesaid bridges, causeways or tunnels unhindered after showing the receipt to the Toll Inspectors posted on those bridges, causeways or tunnels. Details of bridges, causeways and tunnels shall be displayed at a conspicuous place near the toll collection booths of the bridges causeways and tunnels covered under this sub-rule legibly written or printed in Kannada, English and Hindi in which the said bridges, causeways, tunnels are situated.

(3) The Toll Inspector shall, on receipt of the toll specified in the Schedule, fill up a receipt in triplicate in Form 'G' and deliver two copies thereof to the driver, owner or the person incharge of the motor vehicle in respect of which the toll has been paid and retain the third in his office. The motor vehicle shall be allowed to go ahead of the cross bar only after the toll has been paid and receipt issued under these rules.

(4) Where, and if, found necessary, the Highway Authority may also set up counter-checking booths, for the purpose where such a booth has been set up at some location considered suitable beyond toll collection booth, after the motor vehicle has crossed the bridge, causeway or tunnel and also paid the prescribed toll, the Toll Inspector on counter-checking duty at the counter checking booth shall ensure that the motor vehicle is allowed to pass from the counter-checking cross bar only after verifying on checking the copies of the receipts for payment of the toll from the driver, owner or person incharge of the vehicles.

22. Remittance of toll collected.- (1) The Toll Inspector on duty shall be responsible for the collection and safe custody of the amounts collected towards tolls during the period of his duty and shall not leave his booth till his reliever takes over from him.

(2) The Toll Inspector shall maintain a Cash Register in Form-H and keep it posted upto date.

(3) The Toll Inspector shall at the end of the period of his duty, handover the amount collected by him to his reliever after obtaining the signature of the latter in the relevant column of the Cash Register.

(4) Every day between the hours of 4 and 5 in the afternoon the Toll Inspector on duty shall handover the entire amount of toll collected during the preceding 24 hours to the Assistant Executive Engineer incharge of the bridge, causeway or tunnel after obtaining his signature in the relevant column of the Cash Register.

(5) The Assistant Executive Engineer shall keep the amounts of collection received from the Toll Inspector in the chest provided for the purpose at his office.

(6) The Assistant Executive Engineer shall, on every Saturday or if it happens to be a holiday, on the next working day, remit the amount received by him in respect of the week ending the preceding Saturday by a Demand Draft to the nearest Treasury or Bank. The Treasury or the Bank shall account the amount so received in the relevant receipt head in their books.

(7) The Assistant Executive Engineer shall maintain a Register in Form-I showing the amount collected from the Toll Inspector and remittances made to the Treasury or Sub-Treasury or Bank and shall keep the Register posted upto date.

(8) The Assistant Executive Engineer shall exercise supervision and control over the staff posted at the bridges, causeways or tunnels in connection with the collection of the toll and over the maintenance of proper accounts and records by such staff.

(9) The Highway Authority in charge of the road on which the bridges, causeways or tunnels are situated shall check the collection and remittance of toll by the staff in accordance with these rules by paying surprise visits atleast twice a month at the office of the Toll Inspectors.

23. Submission of returns.- The Highway Authority concerned shall furnish to the Accountant General in Karnataka, Bangalore every quarter in the first week of April, July, October and January,-

(i) a consolidated statement showing monthwise the amounts collected and remitted on account of toll proceeds in respect of each bridge, causeway or tunnel alongwith the details of number and date of the demand draft with which this amount was remitted.

(ii) break-up of the monthwise expenditure incurred on each bridge, causeway or tunnel by the Highway Authority required to be reimbursed on account of collection of the toll on the basis of actual expenditure incurred.

24. Reimbursement of collection charges.- (1) The collection charges shall not exceed 12 per cent of the total collections. The collection charges shall be reimbursed to the Highway Authority in the manner indicated in sub-rule (2).

(2) Payment of the amounts in reimbursement of the expenditure incurred, by the Highway Authority on collection of toll not exceeding 12 per cent of the total collection of toll shall be made by the State Government by specific payment sanctions from out of the specific budget provision to be made by the State Government in its budget from year to year.

25. Assistance by police.- All police officers of the area in whose jurisdiction the bridges, causeways and tunnels fall shall be bound to assist the Toll Inspectors, when required in the collection of toll under these rules, and for that purpose, shall have the same power which they have in exercise of their normal police duties.]¹

[SCHEDULE I]

[See Rule 9]

Table showing the rents to be charged for temporary occupation of highway land

Purpose for which highway land occupied	Rent to be charged
Temporary encroachment in front of a building owned by the applicant or for a temporary structure overhanging a highway.	An annual sum not exceeding 2½ per cent of the market value of the land encroached upon or below the temporary structure subject to a minimum of Rs.6 in municipal areas and Rs. 3 in other areas.
2. Putting up temporary awnings, tents, pandals, scaffoldings or other, similar erections.	A daily sum not exceeding Re.1 per 100 square feet of land occupied in municipal areas and 50 paise per 100 square feet in other areas.
3. Temporary stalls	An annual sum not exceeding 10 per cent of the full market value of the land occupied subject to a minimum of Rs.12 in municipal areas and Rs.6 in other areas.
4. Depositing building materials, goods for sale or other articles.	A daily sum not exceeding Re.1 per 100 square feet of land occupied in municipal areas and 50 paise per 100 square feet in other areas.
5. Making temporary excavations.	Nil

The existing schedule is renumbered as "Schedule I" by GSR 89, dated 30-3-1984, w.e.f 31-3-1984. (Notification No.PWD 62 CBR 83, dated 30-3-1984)

[SCHEDULE II**[See Rule 18]**

Sl. No.	Particular of vehicles	Toll for bridges, cause ways and tunnels costing more, than rupees fifty lakhs and constructed on or after 1.4.1983.
1.	Motor cycle, scooter or any other two wheeled mechanically propelled vehicles.	Nil
2.	Autorikshaw, 3 wheeler scooter or other auto driven light vehicles.	3.00
3.	Motor cycle, Taxi, Jeep, Van and auto driven light vehicles.	5.00
4.	Bus, Lorry and other heavy vehicles (excluding above vehicles) including multi axled vehicles.	
	Laden	15.00
	Un-laden	10.00
5.	Othe mechanically propalled heavy vehicles namely, Mobile Cranes, Dozers, Earth movers which have more than two axles and vehicles trailers. (London or Un-laden)	15.00

By order and in the name of the
Governor or Karnataka,

(H.S.GANESHA MURTHY)
Under Secretary to Government,
Public works Department,
(Communication-II)

1. Schedule II inserted by GSR - 89 dated 30-3-1984 w.e.f. 31-3-1984 Notification No PWD 62 CBR 83 dated 30-3-1984 and substituted by Notification No. PWD 12 CBR 95 dated 31-7-1998 Karnataka Gazette Extra ordinary. No. 672 Part IV 2c(i) dated 31-7-1998.

FORM 'A'

[See Rule 5]

Form of application for permission under Section 9(2) for purposes specified in Section 9(1) (a) (b) of the Karnataka Highway Act, 1964:-

1. Name of applicant (in full)	
2. Age	
3. Address (in full)	
4. Interest of the applicant in the property to which the application relates (A Certified copy from the Record of Rights or Property Register should be attached).	
5. Purpose for which permission is sought (Give full details)	
6. Particulars of land on which the work is to be carried out- (a) Survey No. (b) Hissa No. Pot Hissa No. (c) Total area of the plot in possession of the applicant. (d) Area of the land to be used out of (c) above for the work.	
7. Name of the highway along which the property is situated, with mile number and furlong number of K. M. to be fully described.	
8. Whether permission of the Deputy Commissioner or the Local Authority concerned is obtained for the work. If not, state the reasons why such permission not obtained if obtained attach the same(in originals).	

9. (a) Whether application made previously to the Highway Authority for the purpose stated above.	
(b) If so, state the date of such application.	
(c) Number and date of the communication, if any, from the Highway Authority in respect of such application.	
10. Any other relevant particulars or information.	

The above particulars and information are true and correct to the best of my knowledge and belief.

Date

Signature of Applicant

Place

*Notes.-(1) A rough sketch showing all the particulars against items 6 and 7 of the form and the distance between the site of the work and the highway boundary should accompany the application.

(2) Applications pertaining to construction, reconstruction, extension of or material alterations to buildings should be accompanied by a detailed plan of the structure existing old or proposed as the case may be and the proposed additions and alterations, if any, duly certified by an Architect.

FORM 'B'

[See Rule 5]

Form of application for permission under Section 9 (2) for purposes specified in Section 9(1) (c) of the Karnataka Highways Act, 1964.

Name of the applicant (in full)	
2. Age	
3. Address (in full)	
4. Whether owner or tenant of the building to which the applicant relates. If the latter whether permission of the owner for the change of use is obtained.	

5. Purpose/s for which the building is used at present.	
6. Purpose/s for which the building is proposed to be used.	
7. Whether the proposed change of use of the building involves any additions or alterations to the structure. If so, give particulars.	
8. Whether the person/proposed use of the building attracts/will attract a large number of vehicles or crowd of people in front of the building. If so, give a rough estimate and state what arrangement exist/are proposed to accommodate these.	
9. Particulars of the land on which the building is situated.	
(a) Survey No. (b) Hissa No. (c) Pot Hissa No. (d) Total area of the plot in possession of the applicant. (e) Area of built up property in possession of the applicant. (f) Area of built up property after additions and alterations, if any are, proposed.	
10. Name of the highway along which the building is situated with mile number and furlong number or K.M (To be fully described).	
11. Whether permission of the local authority or other Government agency concerned for the use/change of the use of the building is obtained. If not, state the reasons why such permission not obtained. If obtained attach the same (In Original).	

(b) If so, state the date of such application	
(c) Number and date of the communication, if any, from the Highway Authority in respect for such application.	
13. Any other relevant particulars or information.	

The above particulars and information are true and correct to the best of my knowledge and belief.

Date:

Place:

.....

Signature of the Applicant.

A sketch showing all the particulars in respect of items 7, and 10 of the form should accompany the application.

FORM C

[See Rule 7]

Form of application for grant of permission under section 21 of the Karnataka Highways Act, 1964 for temporary occupation or encroachment on highway (within highway boundaries).

1	Name of the applicant (in full)
2.	Address of the applicant (in full)
3.	Purpose for which permission is required
4.	Name of the highway and exact location of the highway land to be occupied (mention mile No. and furlong number or K.M. and attach a sketch).
5.	Area of highway lands to be occupied

6. If structure of any sort on or overhanging highway land is to be erected, give particulars thereof and attach a suitable sketch.
7. Period for and the date from which permission is required.
8. Whether similar application made previously; if so, the date, of such application.
9. Whether permission was granted or refused.

I am prepared to pay necessary rent for the occupation of the highway land. I am also willing to abide by all the conditions that may be stipulated by you and to make necessary security deposit for their proper observance.

Date

Signature or Thumb impression of
the Applicant.

FORM 'D'

[See Rule 10]

Form of application under Section 35 of Karnataka Highways Act, 1964 for reference to Court against award made under Section 28.

- (1) Name of the applicant (in full).
- (2) Occupation.
- (3) Age.
- (4) Address.
- (5) Number and date of award under Section 28 of the Act.
- (5-A) Date on which the award was communicated to the applicant.
- (6) Particulars of land to which the reference relates.

Survey No.	Hissa No.
Village	Taluk
District	
- (7) Grounds on which application is made for reference to the Court.

Date.

Signature of the applicant
or his duly authorised Agent.

FORM 'E'

[See Rule 11]

Form of application under Section 44 of Karnataka Highways Act, 1964 for reference to Court against order made under Section 42, fixing betterment charges.

1. Name of the applicant (in full)
2. Occupation
3. Age
4. Address
5. Number and date of order under Section 42 of the Act.
- 5-A. Date on which the order was communicated to the applicant
6. Particulars of land to which reference relates.
 Survey No Hissa No
 Village Taluk
 District
7. Grounds on which objection is taken to the fixation of betterment charges.

Date.

Signature of the applicant
or his duly authorised Agent.

FORM 'F'

[See Rule 14 (14)]

Agreement to be entered into under the proviso to Section 47.

This agreement made at the day of one thousand nine hundred and sixty between the Governor of Karnataka (hereinafter referred to as "the Government") of the one part and inhabitant of. (hereinafter referred to as "the owner" which expression shall unless excluded or repugnant to the context include his heirs, executors and administrators) of the other part.

Whereas the owner is possessed of and otherwise sufficiently entitled free from encumbrances to the piece of land situated at more particularly described in the Schedule hereto appended (hereinafter referred to as "the said land").

And whereas it has been held by the order of the the decision Authorised Officer made under Section 42 Civil Judge Section 44 of the Karnataka Highways Act, 1964, that betterment charges amounting to Rs. are leviable on the said land.

And whereas the owner desires to pay the said amount of betterment charges by annual instalments in the manner provided under the Karnataka Highways Rules, 1965, and has for the purpose agreed to enter into an agreement with the Government as required by the proviso to section 47 of the said Act.

Now this agreement witnesseth as follows:-

(1) The owner shall pay to the Government the said betterment charges of Rupees with interest thereon at the rate of five per cent per annum within a period of years from this date by equal yearly instalments of Rs. each for principal, the first of such instalments to be paid on the day of one thousand nine hundred and sixty and the subsequent instalments to be paid on the day of each subsequent year and that the owner shall in the meantime and so long as any part of the principal sum of Rs. shall remain owing, pay interest to the Government at the rate of five per cent per annum on all moneys whatsoever for the time being due and owing under these presents by yearly payments the first of which payments shall be made on the days of 196 and subsequent yearly payments shall be made on the day of each subsequent year until the whole sum of Rupees is paid off:

Provided always that if any such interest shall remain unpaid for one month after the date on which the same ought to be paid then, and in every such case, the interest so in arrears shall at the expiry of such month be capitalised and be added to the principal sum hereby secured and for the time being owing hereunder and shall thenceforth bear interest payable at the rate on the days aforesaid and all the rules of law and equity in relation to interest shall equally apply to interest on such arrears:

Provided further that the last preceding proviso shall not permit owner to allow any interest to fall into arrears.

(2) All sums due and payable by the owner under these presents shall subject to the prior payment of land revenue, be a first charge on the land, in respect of which such betterment charges, are leviable as provided in section 46 of the Karnataka Highways Act, 1964.

(3) The owner shall bear the stamp duty payable in respect of this agreement.

In witness whereof the of has for and under the directions of the Governor of Karnataka set his hand and seal and the above named owner has set his hand hereto the day and year first above written.

Signed, and delivered by:

Sri

of

in the presence of.-

(1)

(2)

Signed, and delivered by:

Sri

in the presence of.-

(1)

(2)

'[FORM 'G'

[See Rule 21]

R.No.

Receipt for payment of toll

Name of bridge(s), tunnel(s) or causeway(s)

1. Description of motor vehicle with Registration Number
2. Whether laden or unladen or with or without passengers
3. Time and date of outward journey
4. Name of driver and/or owner
5. Amount of toll paid.

Signature of Toll Inspector.

1. Forms G to I inserted by GSR 89 dated 30-3-1984 w.e.f. 31-3-1984 Notification No. PWD 62 CBR 83 dated 30-3-1984.

FORM 'H'

[See Rule 22(2)]

CASH REGISTER

Sl.No.	Date	Vehicle Number	Name of person paying the toll	Number of receipt by which toll paid	Amount of toll paid	Progressive figures of toll paid	signatures of toll Inspector	Signature of successor toll Inspector	Signature of Assistant of Executive Engineers	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM 'I'

[See Rule 22(G)]

Register showing record of toll collections and remittance
on account of toll collected on bridges, causeways and tunnels.

Sl.No.	Name of the Assistant Executive Engineers.	Amount collected from the Toll Inspector .	Date of Receipt	Name of the Bank from which demand draft is purchased	Number of demand draft and date.	Amount of demand draft and date	Details of despatch of demand draft	Postal Registration No.of despatch of demand draft	Remarks
1	2	3	4	5	6	7	8	9	10

Karnataka Act No. 31 of 2010

THE KARNATAKA HIGHWAYS (AMENDMENT) ACT, 2010

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 19A
3. Amendment of section 19B

STATEMENT OF OBJECTS AND REASONS

Amending Act 31 of 2010.- It is considered necessary to amend the Karnataka Highways Act, 1964, to provide for enabling provision to levy and collect from the users, the amount in form of fee for the service or benefit rendered by it to meet the expenditure involved in improvement of State highway / major district road constructed, developed and maintained under Public Private partnership on annuity basis.

Hence the Bill.

[L.A. Bill No. 23 of 2010, File No. DPAL 28 Shasana 2010]

[Entry 13 and 59 of List II of the Seventh Schedule to the Constitution of India.]

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Karnataka Act No. 31 of 2010

(First Published in the Karnataka Gazette Extra-ordinary on the Twenty seventh day of July 2010)

THE KARNATAKA HIGHWAYS (AMENDMENT) ACT, 2010

(Received the assent of the Governor on the Twenty fourth day of July 2010)

An Act further to amend the Karnataka Highways Act, 1964.

Whereas, it is expedient further to amend the Karnataka Highways Act, 1964 (Karnataka Act 44 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty-first year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Highways (Amendment) Act, 2010.

(2) It shall come into force at once.

2. Amendment of section 19A.- In the Karnataka Highways Act, 1964 (Karnataka Act 44 of 1964) (hereinafter referred to as the principal Act), in section 19A,-

(i) after sub-section (3), the following shall be inserted, namely:-

“(3A) Notwithstanding anything contained in section 48A, the Government may levy and collect, such rate of fee from the user of highways for service or benefits rendered by it, as may be notified by it in the official Gazette, different rates may be notified for different highways over different period of time, having regard to the expenditure involved in cost of acquisition of land and construction, development and maintenance of highway developed under public private partnership on annuity basis or by raising any loan or otherwise.”

(ii) in sub-section (4), after the words, brackets and figure “in sub-section (1)”, the words “or State Government” shall be inserted.

3. Amendment of section 19B.- In section 19B of the principal Act, for the words, brackets, figures and letter “in sub-section (1) of section 19A”, the words, brackets, figures and letter “in sub-section(1) and sub-section (3A) of section 19A” shall be substituted.

By Order and in the name of the Governor of Karnataka

G.K. BOREGOWDA

Secretary to Government

Department of Parliamentary Affairs and Legislation